

## Coast Guard, DHS

## § 126.5

49 CFR 176.410, for which a permit is required under 49 CFR 176.415.

(3) Division 4.3 dangerous when wet products as defined in 49 CFR 173.124, in excess of 60 mt.

(4) Division 2.3 and 6.1 poison inhalation hazard products as defined in 49 CFR 173.115 and 173.132, respectively.

(5) Class 7 highway route controlled quantity radioactive material or fissile material, controlled shipment, as defined in 49 CFR 173.403.

*Commandant* means the Commandant of the United States Coast Guard.

*Container* means a reusable container that has a volume of 1.81 cubic meters (64 cubic feet) or more, is designed and constructed to permit being lifted with its contents intact, and is intended primarily for containment of packages (in unit form) during transportation.

*Dangerous cargo* means all hazardous materials listed in 49 CFR parts 170 through 179, except those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101, and all cargo listed in 46 CFR part 148.

*Designated dangerous cargo* means Division 1.1 and 1.2 explosives as defined in 49 CFR 173.50.

*Designated waterfront facility* means a waterfront facility designated under § 126.13 for the handling, storing, loading, and discharging of any hazardous material(s) subject to the Dangerous Cargoes Regulations (49 CFR parts 170 through 179), except for those materials preceded by an "A" in the Hazardous Materials Table in 49 CFR 172.101 and for those materials carried as bulk liquids.

*Facility of particular hazard* means a designated waterfront facility that is authorized to handle a cargo of particular hazard.

*Facility operator* means the person or company who owns, operates, or is responsible for the operation of a waterfront facility.

*Net tons* means net weight in tons.

*Net weight*, in reference to material in a package, tank, or container, means the weight of the contents of a package, tank, or container and does not include the weight of any packaging material or containing devices.

*Transport unit* means a transport vehicle or a container.

*Waterfront facility* means all piers, wharves, and similar structures to which a vessel may be secured; areas of land, water, or land and water under and in the immediate proximity to these structures; buildings on or contiguous to these structures; and the equipment and materials on or in these structures or buildings. The term does not include facilities directly operated by the Department of Defense.

[USCG-1998-4302, 68 FR 55440, Sept. 26, 2003, as amended by USCG-2008-0179, 73 FR 35013, June 19, 2008]

### § 126.5 Incorporation by reference: Where can I get a copy of the publications mentioned in this part?

(a) Certain material is incorporated by reference into this part with the approval of the Director of the Federal Register under 5 U.S.C. 552(a) and 1 CFR part 51. To enforce any edition other than that specified in paragraph (b) of this section, we must publish a notice of change in the FEDERAL REGISTER and the material must be available to the public. All approved material is available for inspection at the U.S. Coast Guard, Vessel and Facility Operating Standards Division (CG-522), 2100 2nd St. SW., Stop 7126, Washington, DC 20593-7126, and at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call 202-741-6030, or go to: [http://www.archives.gov/federal\\_register/code\\_of\\_federal\\_regulations/ibr\\_locations.html](http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html). All approved material is available from the sources indicated in paragraph (b) of this section.

(b) The materials approved for incorporation by reference in this part, and the sections affected, are as follows:

ASTM International, 100 Barr Harbor Drive, P.O. Box C700, West Conshohocken, PA 19428-2959, 877-909-2786, <http://www.astm.org>.

ASTM F1121-87 (Reapproved 2010), Standard Specification for International Shore Connections for Marine Fire Applications, (approved March 1, 2010) ..... 126.15

National Fire Protection Association (NFPA), One Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101:

## § 126.11

NFPA 10, Standard for Portable Fire Extinguishers, 1998 Edition .....	126.15
NFPA 13, Standard for the Installation of Sprinkler Systems, 1996 Edition .....	126.15
NFPA 14, Standard for the Installation of Standpipe and Hose Systems, 1996 Edition .....	126.15
NFPA 30, Flammable and Combustible Liquids Code, 1996 .....	126.15
NFPA 51B, Standard for Fire Prevention in Use of Cutting and Welding Processes, 1994 Edition .....	126.30
NFPA 70, National Electrical Code, 1996 .....	126.15
NFPA 307, Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves, 1995 Edition .....	126.15

[USCG–1998–4302, 68 FR 55441, Sept. 26, 2003, as amended at 69 FR 18803, Apr. 9, 2004; USCG–2010–0351, 75 FR 36283, June 25, 2010; USCG–2012–0866, 78 FR 13248, Feb. 27, 2013]

### § 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78–023, 44 FR 4643, Jan. 22, 1979]

### § 126.12 How do I request the use of an alternative method of complying with a requirement in this part?

(a) An owner or operator of a waterfront facility may request that the COTP allow the use of an alternative method of complying with a requirement in this part.

(b) The request must establish, to the COTP's satisfaction—

(1) That compliance with the requirement is economically or physically impractical; and

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(2) That the alternative requested provides an equivalent or greater level of safety.

(c) The COTP examines the request and provides an answer, in writing, within 30 days of receipt of the request.

[USCG–1998–4302, 68 FR 55441, Sept. 26, 2003]

### § 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in §126.15, unless waived under provisions of §126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

[CGFR 57–52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78–023, 44 FR 4643, Jan. 22, 1979]

### § 126.15 What conditions must a designated waterfront facility meet?

(a) All designated waterfront facilities must meet the following:

(1) *Fire extinguishing equipment.* Fire extinguishing equipment, such as automatic sprinklers, hydrants, hose connections, and firefighting water supplies must be available and maintained in adequate quantities and locations. Fire extinguishing equipment must meet State and local laws. In the absence of applicable State and local laws, fire extinguishing equipment must meet NFPA 10, 13, 14, and 307. (Incorporated by reference, see §126.5.)

(2) *Fire appliances.* The location of all fire appliances, such as hydrants, standpipes, hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible according to NFPA 10, 13, 14, and 307.

(3) *Warning signs.* Warning signs must be constructed and installed according to NFPA 307, chapter 7–8.7.